

Sixth Appellate District

San Jose, California

MONDAY, APRIL 26, 2004

H026425 In re AMANDA E.; DFCS V. CANDIDA E.

By the Court:

Upon the court's own motion, the submission order in the above-entitled matter dated April 15, 2004, is hereby vacated. The court by separate letter issued April 19, 2004, has requested supplemental briefing from the parties. The cause will be resubmitted upon completion of supplemental briefing.

Dated: April 26, 2004 Bamattre-Manoukian, Acting P.J.

H026236 BAKER v. MCMAHON, et al.

By the Court*:

Appellant's petition for rehearing is denied.

Filed: April 28, 2004

*Before Rushing, P.J., Premo, J. and McAdams, J.

TUESDAY, APRIL 27, 2004

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Elia, Acting P.J.; Bamattre-Manoukian, J.; Mihara, J.; and J. Michel Casique, Deputy Clerk.

H025776 SCURICH, et al. v. PAJARO VALLEY WATER MANAGEMENT AGENCY

Cause called and argued by Robert E. Dougherty appearing for Appellants and by Stephen N. Robert appearing for Respondent. Cause ordered submitted.

Elia, J. leaves the bench and McAdams, J. takes the bench.

H025511 PEOPLE v. CAHILL

Cause called and argued by Carlo Andreani appearing for Appellant and by Jill M. Thayer, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H026199 PEOPLE v. YOUTSEY

Cause called and argued by David D. Martin appearing for Appellant and by Ann P. Wathen, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H026309 PEOPLE v. MENDOZA

Cause called and argued by Michael Mehr appearing for Appellant and by Kelly M. Croxton, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, April 27, 2004 (continued)

H024473 TATRO & WHEELER, INC., v. FEATHERLITE CALIFORNIA

Cause called and argued by John Michael O'Connor appearing for Appellant Featherlite and by Thomas P. Murphy appearing for Appellant Tatro & Wheeler. Cause ordered submitted.

H026073 COCHRANE v. COOPER

Cause called and argued by Brennan Newsom appearing for Appellant and by Louis Barella appearing for Respondent. Cause ordered submitted.

H027108 KERRI P. v. SUPERIOR COURT OF MONTEREY

Cause called and argued by Douglas Y. Tsuchiya appearing for Petitioner and by Annette Cutino, Deputy County Counsel, appearing for Real Party in Interest. Cause ordered submitted. Court stands in adjournment

H025237 MACDONALD v. ASPECT DEVELOPMENT, INC., et al.

By the Court*:

Appellant's petition for rehearing is denied.

Filed: April 27, 2004

*Before Rushing, P.J., Wunderlich, J. and Mihara, J.

WEDNESDAY, APRIL 28, 2004

H025711 MEYER, et al. v. SEARIDGE CONSTRUCTION, et al.

The judgment is reversed. The trial court is directed to vacate its order granting summary judgment and to enter a new order denying that motion. Appellants are awarded costs on appeal. (not published)

(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed April 28, 2004

H025230 PEOPLE v. PEREZ

The judgment is affirmed. (not published)

(McAdams, J.; We concur: Rushing, P.J., Premo, J.)

Filed April 28, 2004

H027009 PEOPLE v. MILLER

The judgment is affirmed. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed April 28, 2004

Sixth Appellate District

San Jose, California

Wednesday, April 28, 2004 (continued)

H026502 PEOPLE v. CARRASCO

The judgment is affirmed. (not published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed April 28, 2004

H025980 PEOPLE V. GOMEZ

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed April 28, 2004

H026402 MURPHY v. GREGORCZUK, et al.; OPPERWALL

The appeal is dismissed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed April 28, 2004

THURSDAY, APRIL 29, 2004

H026113 VENTURE LAW GROUP, et al. v. SUPERIOR COURT; SINGHANIA, et al.

By the Court:

The written opinion which was filed on April 7, 2004, is certified for publication. (Wunderlich, J., Bamattre-Manoukian, Acting P.J., Mihara, J.)

The written opinion which was filed on April 7, 2004, has now been certified for publication in its entirety pursuant to rule 976(b) of the California Rules of Court, and it is therefore ordered that it be published in the Official Reports.

Dated: April 29, 2004 Bamattre-Manoukian, Acting P.J.

H025922 PEOPLE v. MOORE

By the Court:

The request for partial publication pursuant to California Rules of Court, rule 978, is hereby granted. It is ordered that the opinion filed on March 30, 2004, is certified for partial publication as follows:

All portions of the opinion **except** for the section entitled "III. Section 667.1." (Rushing, P.J., Premo, J., McAdams, J.)

Filed April 29, 2004

Sixth Appellate District

San Jose, California

Thursday, April 29, 2004 (continued)

H023991 JASMINE NETWORKS v. MARVELL SEMICONDUCTOR, et al.

(Filed order modifying opinion.) There is no change in the judgment. Respondent's petition for rehearing is denied. (published)

(Rushing, P.J.; We concur: Wunderlich, J., Mihara, J.)

Filed April 29, 2004

H026322 In re IRVING SHEPPARD on Habeas Corpus

The trial court's order granting the petition for habeas corpus and directing Sheppard's immediate release is reversed. The matter is remanded to the trial court for entry of a new and different order directing the Board to conduct a new hearing to reconsider Sheppard's suitability for parole using only the factors deemed appropriate by the relevant statutes and regulations and in accordance with the requirements of due process. (not published)

(Wunderlich, J.; I concur: Mihara, J.; I concur in the judgment only: Bamattre-Manoukian, Acting P.J.)

Filed April 29, 2004

H021985 PEOPLE v. DELEON

By the Court:

Upon the court's own motion, the submission order in the above-entitled matter dated February 6, 2004, is hereby vacated. The court by separate letter issued April 27, 2004, has requested supplemental briefing from the parties. The cause will be resubmitted upon completion of supplemental briefing.

Dated: April 29, 2004 Bamattre-Manoukian, Acting P.J.

Sixth Appellate District

San Jose, California

Thursday, April 29, 2004 (continued)

H024863 MARTIN v. KATZ

We therefore remand the matter to the trial court with directions to correct the amount of credit given to reflect the amount of health insurance costs paid by husband for himself as well as his daughter in 1997, and to recalculate the guideline support for 1997, based on this correction. We further direct the court to recalculate husband's income for 1998, by determining the appropriate amount of gain attributable to husband realized from the sale of the Hawaii real property in 1998, and to recalculate the guideline support for 1998 based on this correction. The trial court is further directed to make any necessary adjustments to the court's determination of arrearages owed by husband to wife as a result of these corrections. Finally, the modified order following remand shall be imposed retroactively to the date wife's motion was served. In all other respects, the order modifying child support is affirmed.

The trial court's award of attorney fees and costs to wife is affirmed in its entirety.

Wife's motion for an award of sanctions on appeal is denied.

Each party shall bear his or her own costs on appeal.
(not published) (Wunderlich, J.; We concur: Bamattre-Manoukian,
Acting P.J., Mihara, J.)
Filed April 29, 2004

H025942 In re DAVID G., et al.; D.F.C.S. v. JULIE V.
By the Court*:

Appellant's petition for rehearing is denied.
Filed: April 29, 2004
*Before Rushing, P.J. and Premo, J.

H026205 In re DAVID G., et al.; D.F.C.S. v. JULIE V.
By the Court*:

Appellant's petition for rehearing is denied.
Filed: April 29, 2004
*Before Rushing, P.J. and Premo, J.

H026300 In re JULIE V. on Habeas Corpus
By the Court*:

Petitioner's petition for rehearing is denied.
Filed: April 29, 2004
*Before Rushing, P.J. and Premo, J.

Sixth Appellate District

San Jose, California

Thursday, April 29, 2004 (continued)

H026366 PEOPLE v. ANDREWS

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed April 29, 2004

H023838 PEOPLE v. JOHNSON

The judgment is modified to reflect 1305 actual days credit as of November 8, 2001 and 204 days presentence conduct credit. The trial court shall amend the abstract of judgment and forward a certified copy of the amended abstract to the Department of Corrections. As modified, the judgment is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed April 29, 2004

FRIDAY, APRIL 30, 2004

H025884 SEAVER, et al. v. COUNTY OF SANTA CRUZ

The judgment is reversed. The superior court is directed to vacate its order granting County's motion for summary judgment and to enter a new order denying the motion for summary judgment. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed April 30, 2004

H026817 PEOPLE v. FINN

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed April 30, 2004